

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F049143 N. L. Neilson et al. v. City of California City et al.

Cause called and argued by June Ailin, Esq., counsel for appellant and by Daniel L. Siegel, Deputy Attorney General, counsel for amicus for appellants and by R. Bruce Tepper, Esq., counsel for respondent. Stephen Schuett, Deputy County Counsel, counsel for amicus for respondents waived oral argument.

Cause ordered submitted.

Court recessed until Wednesday, December 13, 2006, at 1:30 P.M.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F048350 People v. Velasco

The judgment is affirmed. Levy, Acting P.J.

We concur: Hill, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049621 Evans v. Merced County Sheriff's Department et al.

The judgment is affirmed. Defendants are awarded their costs.
Cornell, J.

We concur: Wiseman, Acting P.J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049699 People v. Lemus

The suspension of Lemus's driving privileges pursuant to Vehicle Code section 13357 is stricken. The trial court is directed to notify the appropriate agencies. In all other respects, the judgment is affirmed.
Cornell, J.

We concur: Wiseman, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049859 In re Omar L., a Minor

The matter is remanded to permit the juvenile court to exercise its discretion and determine whether counts 1 and 3 are misdemeanors or felonies. The juvenile court is also directed to impose enhancements pursuant to section 186.22, subdivision (b)(1)(A) on the counts it determines to be felonies, if any. The disposition order is affirmed in all other respects. Cornell, J.

We concur: Wiseman, Acting P.J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048870 People v. Martinez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F051174 Heather M. v. The Superior Court of Fresno County; Fresno Co. Dept. of Children & Family Services

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048424 People v. Goff

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F048424 People v. Goff

Goff's sentence is vacated. The prior serious or violent felony findings under section 667, subdivision (a)(1) and the three strikes law are reversed and the cause is remanded for further proceedings in accordance with this opinion. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048593 People v. Deaton

Appellant's petition for rehearing filed herein is denied.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F049063 Osijo v. Seigny et al.

The judgments dismissing Burnham Brown and the Insurance Commissioner and the orders quashing service of summons on Michell-Langsam, vacating the default taken against her, and denying plaintiff's request for entry of default judgment are affirmed. Plaintiff's request for judicial notice filed July 25, 2006, is denied with respect to the stipulation in lieu of judgment. The request is granted with respect to the Appellate Court's opinion in *Osijo v. Ganong and Michell*, supra, A068661. Burnham Brown and the Insurance Commissioner shall recover their costs on appeal. Plaintiff and Michell-Langsam shall bear their own costs. Wiseman, J.

We concur: Harris, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051074 In re Soledad R., a Minor

No brief or request for extension of time having been filed, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F051084 In re John S., a Minor

No brief or request for extension of time having been filed, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.